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U.S. PATENT & TRADEMARK OFFICE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: §
Andrew M. Pelletier et al. §
Serial No.: 09/931,668 § Group Art Unit: 3762
Filed: August 16, 2001 § Examiner: Bockelman, Mark
For: METHOD AND APPARATUS § Atty. Docket: GEMS:0055-1/YOD
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December 9, 2004	<i>Christina Hartline</i> Christina Hartline
Date	

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

In the Office Action mailed on December 1, 2004, the Examiner indicated that the Appeal Brief mailed on August 30, 2004, and received by the U.S.P.T.O. on September 3, 2004, was non-compliant under 37 C.F.R. § 41.37. In particular, the Examiner stated that the Appeal Brief does not provide a concise explanation of the subject matter of each independent claim and set forth the structures for means plus function claims under 37 C.F.R. § 41.37(c)(1)(v).

However, as noted above, the Appeal Brief was filed on August 30, 2004 and received on September 3, 2004. The effective date of the changes to the appeal process is September 13, 2004. See 37 C.F.R. 41.37. As such, the above-referenced Appeal Brief was filed and should be examined under 37 C.F.R. §§ 1.191 and 1.192. Applicants respectfully submit that the above-referenced Appeal Brief complies with 37 C.F.R. §§

Serial No. 09/931,668
Notice of Non-Compliant Appeal Brief
Page 2

1.191 and 1.192. Accordingly, Applicants respectfully request withdrawal of the holding of non-compliance and reinstatement of the Appeal Brief for the reasons stated above.

Respectfully submitted,

Date: December 9, 2004

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